

Commercial Passenger Vessels -- Questions and Answers

The "Vessel Discharge Report" contains a proposed plan, which the DEP was required by law to develop and submit to the Natural Resource Committee of the Maine Legislature. The DEP was asked to develop a plan for prohibiting or regulating blackwater (sewage) and graywater discharges from vessels. The report also was to address some additional issues. In some cases the DEP's review resulted in a recommendation of no change to statute or rule.

The questions and answers below are intended for purposes of helping readers to understand who the plan might affect, and in what way, if the plan were implemented as proposed. The changes suggested in the plan, other changes, or no changes may actually be implemented. The report has not yet been considered by the Legislature, and does not in itself create new requirements.

1. How much blackwater and graywater does a large commercial passenger vessel produce?

A commercial passenger vessel with 1500-3500 passengers can produce combined wastewater volumes of between 150,000 and 450,000 gallons per day. "Blackwater" is treated or untreated sewage. "Graywater" is wastewater from a galley, dishwasher, bath or laundry.

2. How are commercial passenger vessels discharges already regulated? Environmental requirements, oversight and enforcement varies widely depending upon what issue is examined.

The more significant recommendations in the plan concern standards related to discharges of blackwater (sewage) and graywater.

Blackwater. Federal law (1) allows states to apply to create federal "No Discharge Zones" for blackwater, and (2) specifies a technology standard for treatment systems. The Department is concerned that the technology standard is out-of-date, and there is a significant lack of oversight. However, the U.S. Government has significantly preempted (prevented) states from regulating these discharges under federal law.

Therefore, the plan recognizes an existing legal requirement that DEP recommend areas for designation as federal "No Discharge Zones" to the Legislature's Natural Resources Committee, and subsequently apply for such designation.

Graywater. There is virtually no regulation of graywater discharges from vessels to Maine waters currently, at the state, federal, or international level.

The plan proposes beginning to license discharges from the largest commercial passenger vessels. The DEP already has the authority to do so.

3. This report is recommending some new requirements that would apply to large and small commercial passenger vessels, with more for the large ones. How are those terms defined?

The full definitions are contained in the plan, the following is a summary.

A Commercial passenger vessel is a vessel that carries more than 50 overnight passengers for hire except that "commercial passenger vessel" does not include a vessel that (1) is authorized to carry fewer than 50 passengers; (2) does not provide overnight accommodations for at least 50 passengers for hire, determined with reference to the number of lower berths; or (3) is operated

by the United States or a foreign government.

A small commercial passenger vessel is a commercial passenger vessel that provides overnight accommodations for 50 to 249 passengers for hire.

A large commercial passenger vessel is a commercial passenger vessel that provides overnight accommodations for 250 or more passengers for hire.

The definitions are consistent with definitions already used in Alaska.

4. What are the new requirements described in the plan?

- a. **Registration.** In general terms, the plan would create a registration program for commercial passenger vessels requiring that the vessels provide information such as passenger and crew capacity (which relates to sewage and graywater volumes), type of treatment system in use (if any), existence of hazardous and solid waste disposal plans for the vessel, and holding capacity for blackwater (sewage) and graywater. The DEP will be looking into whether submission requirements may be combined with those of the U.S. Coast Guard.

This is a minimal registration program that will allow the DEP to begin to collect basic information on what is being discharged to Maine waters, and where the discharges occur. This kind of information has been available from land-based dischargers for many years through a licensing program. The registration program does not require an "approval" from the DEP, and it does not interfere with the ability of a large commercial passenger vessel to enter Maine waters or do business in Maine. However, it will provide information that can be used to better understand the pollutant loads being discharged to Maine coastal waters.

- b. **Licensing of graywater discharges.** The plan suggests that waste discharge licensing requirements be applied to the *large commercial passenger vessels* that wish to discharge *graywater* to Maine waters. The DEP already has statutory authority to license the graywater discharges, but has not done so in the past, having been focused on addressing discharges from land (ex. municipal treatment plants). However, the DEP feels that extension of licensing requirements to large commercial passenger vessels is minimally necessary at this time because:

- Graywater discharges from these vessels are potentially very large and currently are not subject to regulation.
- Cruise ship traffic in Maine waters has increased approximately 20% a year for the last three years, and continued growth is expected.
- Currently, there is significant inequity between what land-based discharges need to do to address their effluent, and what is required of large commercial passenger vessels.
- Most if not all of these large cruise ships have the ability to hold graywater in tanks and discharge it outside of Maine waters (more than three miles from shore) and many may be doing this now. However, unlike for licensed dischargers, Maine has no way of confirming this information.
- Large commercial passenger vessels wishing to discharge within three miles should have to meet licensing requirements much like land-based dischargers. The license sets standards for the discharges.

- c. **Prohibition on discharge.** Under the proposed plan, state law would prohibit the discharge of graywater from large commercial passenger in a federal No Discharge Zone. They would also be prohibited from discharging blackwater. This is because bacteria levels in treated blackwater and untreated graywater can be similar.

5. Will this plan affect commercial passenger vessel traffic to Maine?

Because the plan suggests additional regulatory requirements for commercial passenger vessels, it is reasonable to ask if the requirements might discourage the vessels from traveling to Maine. The economic benefits from these vessels to local communities are documented. The additional requirements being proposed are minor and should not impact traffic measurably. The DEP bases this conclusion on an examination of existing port fees in Maine and in areas outside this area, as well as Alaska's existing registration program, which has not affected the growth of commercial passenger traffic to Alaska.